IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.317 OF 2003

State of Maharashtra ...Appellant

Versus

Subhash Sambhaji Khandekar & Anr. ...Respondents

Shri S.V.More, A.P.P for the Appellant.

CORAM : A. S. OKA, J.

DATE : DECEMBER 11, 2006.

P.C.:

1. Heard the learned A.P.P in support of prayer for grant of leave. The acquittal of the Respondents is for offences punishable under section 324, 323, 506 read with section 34 of the Indian Penal Code.

2. The allegation of the prosecution was that the Respondents assaulted both the injured persons by a stick and iron bar. The said alleged weapons of assault used by the Respondents were seized under the seizure panchnama and the said articles were produced before the court. However, panch witnesses to the said panchnama were not examined to prove the seizure panchnama. Even the Investigating Officer was not examined. Thus, seizure panchnama was not at all

proved.

3. Moreover, the injured persons admitted that their clothes were not seized by the police. The learned Judge found that there was inconsistency between the evidence of medical officer and evidence of the prosecution witnesses as regards the number of injuries sustained by the injured persons.

4. Considering the aforesaid findings, no case is made out for grant of leave. Appeal is dismissed.

JUDGE